

RESOLUTION NO. 2003-191a

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
CERTIFYING COMPLETION AND MAKING FINDINGS AS TO THE FINAL  
ENVIRONMENTAL IMPACT REPORT ON THE MARINA HEIGHTS SPECIFIC  
PLAN/ABRAMS "B" HOUSING PROJECT AND APPROVING AND ADOPTING A  
MITIGATION MONITORING PROGRAM

WHEREAS, a Draft Environmental Impact Report (the "Draft EIR") on the Marina Heights Specific Plan/Abrams "B" Housing Project was prepared by the City of Marina Planning Department pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq., hereinafter the "State CEQA EIR Guidelines") and the City of Marina EIR Guidelines pursuant thereto; and

WHEREAS, a Notice of Completion of the Draft EIR was filed with the Office of Planning and Research ("OPR") on July 3, 2003, and a public notice of the availability of the Draft EIR was published in the Monterey Peninsula Herald on July 6, 2003; and

WHEREAS, copies of the Draft EIR were distributed to the State Clearinghouse (State Clearinghouse No. 2003021012 and to those public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and the comments of such persons and agencies were sought for a 45-day comment period between the dates of July 3, 2003 and August 18, 2003; and

WHEREAS, the Planning Commission held a public hearing and accepted public testimony on the Draft EIR on August 4, 2003; and accepted written comments on the Draft EIR through August 18, 2003; and

WHEREAS, the Final Environmental Impact Report (the "Final EIR") document, which consisted of the Draft EIR with certain modifications to its text and the incorporation of a chapter containing comments and responses to comments, was prepared, circulated for public information and provided to the Planning Commission on October 9, 2003, and to other interested parties during the week of October 9, 2003; and

WHEREAS, the Planning Commission reviewed the Final Environmental Impact Report at the October 30, 2003 meeting, and recommended certification of the Final EIR on the Marina Heights Specific Plan/Abrams "B" Housing Project; and

WHEREAS, the Final Environmental Impact Report (the "Final EIR") document, which consisted of the Draft EIR with certain modifications to its text and the incorporation of a chapter containing comments and responses to comments, was prepared, circulated for public information and provided to the City Council on November 14, 2003 and to other interested parties during the week of November 14, 2003; and

WHEREAS, the City Council reviewed the Final Environmental Impact Report at the November 25, 2003 meeting, and recommended certification of the Final EIR on the Marina Heights Specific Plan/Abrams "B" Housing Project; and

WHEREAS, the Final EIR consists of the Draft EIR, as revised and supplemented, incorporating all comments received and the responses thereto; and

WHEREAS, Section 21002.1 of the Public Resources Code and Section 15091 of the State CEQA Guidelines require that the Planning Commission make one or more written findings prior to approval of a project for which an EIR has been completed that identifies one or more significant effects of the Project, along with the facts supporting each finding; and

WHEREAS, Section 21081.6 of the Public Resources Code requires that a mitigation monitoring/reporting plan be adopted for the significant effects identified in the Final EIR; and

WHEREAS, the City Council has reviewed and considered the information contained in the Final EIR, pursuant to City of Marina Environmental Guidelines; and

NOW THEREFORE, THE CITY OF MARINA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby certifies that the Final EIR on the Marina Heights Specific Plan/Abrams "B" Housing Project has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures adopted by the City of Marina pursuant thereto, and that the Planning Commission has reviewed and considered the information contained in the Final EIR.

Section 2. The Council has evaluated all comments, written and oral, received from persons who have reviewed the Draft EIR.

Section 3. The Council finds that the Final EIR has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

Section 4. The Council finds that for the proposed Project the Final EIR identifies certain environmental effects that can be avoided or mitigated by the mitigation measures incorporated in the Final EIR. These mitigation measures pertain to: air quality, noise and community services, including solid waste and hazardous waste.

Section 5. Each mitigation measure is summarized in the Summary Table of the Final EIR and constitutes a change or alteration that has been required in, or incorporated into, the Marina Heights Specific Plan/Abrams "B" Housing Project, thereby avoiding or substantially lessening the significant environmental effect as identified in the Final EIR, and in Exhibit A. The rationale for each mitigation measure is provided in the Summary Table, where warranted, and in the body of the Final EIR. The Council hereby approves and adopts as a Mitigation

Monitoring Program those monitoring actions set forth in Exhibit A to monitor the changes or alterations that have been required in, or incorporated into, the Project in order to mitigate or substantially lessen those significant environmental effects identified in said Exhibit A.

Section 6. The Council determines that a monitoring and reporting plan as required by California Public Resources Code Section 21081.6 shall be implemented as identified in the Final EIR and summarized in the Exhibit B. The Director of the Planning Department, or his designated appointee, shall prepare an annual report on the implementation of the measures.

Section 7. The Council hereby makes the written findings set forth in Exhibit A, attached hereto and incorporated by reference herein, for each of the significant effects set forth in said Exhibit A, and further approves the statements of facts set forth in said Exhibit A. Based on such findings and statements of facts, the Council hereby finds that significant environmental effects have been reduced to an acceptable level, in that all significant environmental effects have been eliminated or substantially lessened, except for the potential cumulative impact regional air quality. Based on the foregoing, the Council finds and determines that the Project will have a significant effect upon the environment.

Section 8. The Council finds that, although the Final EIR identified certain significant environmental effects that will result if the Marina Heights Specific Plan/Abrams "B" Housing Project is implemented, all significant effects that can be feasibly avoided or mitigated have been avoided or mitigated by the mitigation measures incorporated in the Final EIR, and set forth in Exhibit A.

Section 9. The Council further finds that for the Marina Heights Specific Plan/Abrams "B" Housing Project, the Final EIR identifies certain other environmental effects which cannot be avoided if this Project is implemented. These remaining unavoidable significant effects, set forth in Exhibit A, are found to be acceptable when balanced against the facts set forth in Section 10 of this resolution.

Section 10. The California Environmental Quality Act requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. As to the significant environmental effects identified in Section 7 of this resolution, which are not mitigated or substantially lessened, the Council hereby adopts the following statement of overriding considerations. The Council hereby finds that, based on the findings and statements of facts set forth in Exhibit A, and based on the Final EIR and/or other information contained in the records, its action to approve and carry out the Project is supported for the reasons that the Project will: eliminate blighting influences and correct environmental deficiencies in the Marina Heights Specific Plan/Abrams "B" Housing Project area (the Project Area), including, among others, small and irregular lots, obsolete and aged building types, incompatible and uneconomic land uses, inadequate or deteriorated public improvements and facilities; permit the assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; replant, redesign and develop undeveloped areas which are stagnant or improperly utilized; provide opportunity for the revitalization of properties; strengthen the economic base of the community by the installation of needed site improvements, provide open spaces; establish and

implement performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area; expand and improve the community's supply of housing for low and moderate income persons; and expand and improve the community's supply of market rate housing.

Section 11. The Council finds that the Final EIR has described all reasonable alternatives to the Project that could feasibly obtain the objectives of the Project. Further, the Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft EIR and all reasonable alternatives were considered in the review process of the Final EIR and ultimate decisions on the Project.

Section 12. The Council finds that a good faith effort has been made to seek out and incorporate all points of view in the preparation of the Draft and Final EIR as indicated in the public record of the Project, including the Final EIR.

Section 13. Upon approval and adoption of the Marina Heights Specific Plan/Abrams "B" Housing Project by the City Council, the Planning Director is hereby directed to file a Notice of Determination with County Clerk of Monterey County and the Office of Planning and Research pursuant to the provisions of Section 15094 of the State CEQA Guidelines.

BE IT FURTHER RESOLVED by the City Council that said Council hereby certifies the Final EIR for the Marina Heights Specific Plan/Abrams "B" Housing Project as complete and adequate in that it addresses all environmental effects of the proposed Project and fully complies with the requirements of CEQA, the State CEQA Guidelines, and the City of Marina EIR Guidelines.

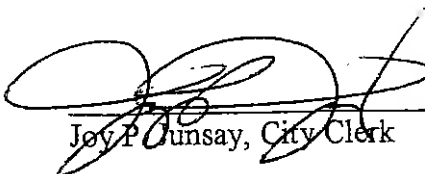
Passed and adopted by the City Council of the City of Marina at a regular meeting duly held on November 25, 2003 by the following vote:

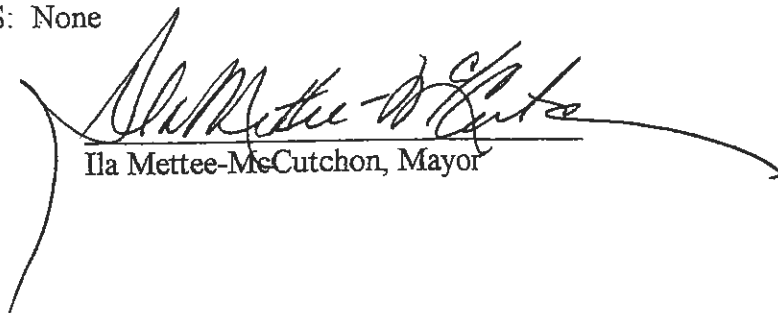
AYES: COUNCIL MEMBERS: Gray, Morrison, McCall and Mayor Mettee-McCutchon

NOES: COUNCIL MEMBERS: Delgado

ABSENT: COUNCIL MEMBERS: None

ATTEST:

  
Joy P. Ounsay, City Clerk

  
Ila Mettee-McCutchon, Mayor

**EXHIBIT A**  
**STATEMENT OF FINDINGS OF SIGNIFICANT EFFECTS**  
**AND OVERRIDING CONSIDERATIONS**  
**MARINA HEIGHTS SPECIFIC PLAN/ABRAMS "B" HOUSING PROJECT**

**I. BACKGROUND: CEQA REQUIREMENTS**

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Guidelines) promulgated pursuant thereto provide:

"No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091 of the Guidelines).

**II. DISCUSSION OF ALTERNATIVES**

CEQA Guidelines require the discussion of a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project. Further, the Guidelines require the evaluation of the comparative merits of the alternatives. Section 12 of the Final EIR evaluates the following CEQA project alternatives: (1) No Project; (2) General Plan Consistency Alternative; (3) Mitigated Alternative; (4) Citizen Initiated Alternative. The EIR concludes that the proposed Project, the Marina Heights Specific Plan/Abrams "B" Housing Project would eliminate some of the existing adverse environmental conditions identified in the the Marina Heights Specific Plan/Abrams "B" Housing Project EIR and any significant effects of the proposed Project can be mitigated to a less than significant level, with the exception of the potential impact on the cumulative regional air quality. As identified in the Final EIR, specific economic, social or other considerations make infeasible the Project alternatives, since they would not implement the land use goals and policies of the City's General Plan.

### III. PROJECT DESCRIPTION

Implementation of the Marina Heights Specific Plan would result in the demolition of all 828 existing abandoned housing units within the 248-acre Marina Heights Specific Plan area and the subsequent construction of 1,050 new housing units there (see Figure 1.2). The effects associated with the proposed demolition of these existing units are addressed in the appropriate impact analysis chapters. Each of the proposed housing units would be built one or two stories high in one of seven housing types.

- 102 townhomes would be dispersed throughout the Marina Heights area, and would have one, two or three bedrooms each. These units would be one or two stories in height, and would each include a two-car garage.
- The market-rate cottages (80 of the 188 cottage units proposed) would be built on 2,625 square foot lots. Cottage units would have one, two or three bedrooms, and would be one or two stories in height.
- The affordable cottages (23 of the 188 cottage units proposed) would be built on 2,625 square foot lots. Cottage units would have one, two or three bedrooms, and would be one or two stores in height.
- The “bridge” cottages (85 of the 188 cottage units proposed) would be built on 2,625 square foot lots. Cottage units would have one, two or three bedrooms, and would be one or two stores in height.
- 337 small single-family homes would be built on 5,000 square foot lots. Each of these units would have three or four bedrooms, and be one or two stories in height, with a two-car garage.
- 338 larger single-family homes would be built on 6,000 square foot lots. Each of these units would have three or four bedrooms, and be one or two stories in height, with a two-car garage.
- 85 estate homes would be built on lots of one-quarter to one-half acre. Each of these units would have three to five bedrooms, and be one or two stories in height, with a two- or three-car garage.

Within the 201.1 acres of the 248-acre Marina Heights Specific Plan area that would not be used for major collector streets (“Main Street” and Abrams Drive total approximately 19.2 acres) and open space areas (approximately 27.7 acres), proposed residential density would average approximately 5.2 dwelling units per acre (1,050 units/201.1 acres = 5.2 units per acre).

Implementation of the Specific Plan would not result in any changes in the current use of 194 existing residential units (192 units currently used as residences, 2 currently used for support purposes) in the "Abrams B" area. However, the Specific Plan indicates that 186 of the 192 existing, occupied housing units located within the adjacent Abrams "B" area would be subject to recorded affordability restrictions to ensure that 93 of those units would be affordable to households with very low incomes, and that 93 of those units would be affordable to households of very low, low or moderate incomes. The City's draft Housing Element, which the City Council approved for submission to the California Department of Housing and Community Development on May 13, 2003, indicates an intent to not displace current tenants of the Abrams "B" area. With the affordability restrictions in force within the Abrams "B" area, the affected 186 housing units would be classified as affordable housing units. In this way, the proponents of the Specific Plan seek to meet the affordable housing requirement established in the Marina General Plan, since the addition of the 186 existing housing units in Abrams "B" that would be classified as affordable units could be added to the 125 new affordable housing units proposed within the Specific Plan area to obtain a total of 311 affordable housing units directly related to implementation of the proposed Specific Plan (311 affordable units divided by 1,242 total units within both the Specific Plan area and the Abrams "B" area equals 0.25, indicating that 25 percent of the housing stock within both areas would be classified as affordable). The Specific Plan also provides for the construction of an additional 85 Bridge Homes which would also be made available at below market rates, thereby raising the total number of below market rate units to 396, which corresponds to approximately 32 percent of the housing stock in both areas. No demolition, development or infrastructure improvements within the "Abrams B" area have been proposed under the Marina Heights Specific Plan, and no portion of the Abrams "B" area is within the Marina Heights Specific Plan area.

Within the Specific Plan area towards the westernmost end is a parcel owned by the Marina Coast Water District that supports a water storage tank. This MCWD parcel is not part of the Specific Plan area, and is not addressed in the Specific Plan.

A portion of the former Fort Ord landfill located between Abrams Road and Imjin Road adjacent to the Specific Plan area is anticipated to be developed with an 18-acre public park and, possibly, a 10-acre school site (although the construction of a school at that site is not proposed under the Specific Plan). The Project Applicant will pay the required in-lieu fees of \$2,224 per unit and will finance up to \$1.5 million of improvements at the 18-acre public park which would include installation of grass for recreation fields and the construction of a 2,500 square foot general purpose/administration building on-site for the City Department of Parks and Recreation. These improvements, as well as other recreational improvements associated with the implementation of the Specific Plan, will be memorialized between the Project Applicant and the City of Marina.

Implementation of the Specific Plan would result in the development of approximately 5.85 acres of sub-neighborhood parks, creation of an 8.53-acre Oak Grove Preserve, development of a 12.92-acre greenbelt/linear park approximately 150 feet wide, and 8.33 acres of linear park and open space areas that connect various open space elements along the border of and throughout the Marina Heights Specific Plan area.

Within the Marina Heights Specific Plan area, the majority of infrastructure (roads, utilities, etc.) would be replaced. Water and sewer infrastructure would be dedicated to and accepted by the Marina Coast Water District. A Landscape Maintenance District and/or Master Homeowners Association would be formed to pay for and take responsibility for the maintenance of street trees and landscaping in areas such as the roundabout and other public places. Visitor parking associated with the proposed townhome units would be provided at a rate of one space for every five dwelling units.

#### IV. FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT AND MITIGATION MONITORING PROGRAM

The following effects are those determined by the City of Marina to be significant environmental effects which can be avoided if the Project is implemented. All significant environmental effects that can be feasibly avoided have been eliminated or substantially lessened to a point of insignificance by virtue of mitigation measures identified in the Final EIR Executive Summary and incorporated into the Project. The remaining, unavoidable significant effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations for the Project, given greater weight to unavoidable effects.

1. Description of significant effects and mitigation measures related to traffic and circulation.

**Impact: Unacceptable Levels of Service at California Avenue/12<sup>th</sup> Street Intersection.** The California Avenue/12<sup>th</sup> Street intersection would meet the peak-hour volume signal warrants as a result of high right turn volumes from the minor street approaches during the peak commute hours. This would represent a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Signalization of the California Avenue/12<sup>th</sup> Street Intersection.** Signalization of the California Avenue/12<sup>th</sup> Street intersection is recommended. It is also recommended that separate left-turn and right-turn lanes be provided on the California Avenue approach to 12<sup>th</sup> Street. These mitigation measures would be implemented in connection with the Marina CIP. The City of Marina has determined that Project-related impacts at this intersection would be fully mitigated through payment of Project-related traffic impact fees.

The signalized and improved intersection would operate at LOS A during both AM and PM peak hours. Implementation of this mitigation measure would reduce the impact to a level of **less than significant**.

**Impact: Abrams Drive/12<sup>th</sup> Street Intersection Meets Caltrans' Peak-Hour Signal Warrant.** The Abrams Drive/12<sup>th</sup> Street intersection would meet the peak-hour volume



signal warrants. This would represent a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Signalization of Abrams Drive/12<sup>th</sup> Street Intersection.** It is also recommended that separate left-turn and right-turn lanes be provided on the Abrams Drive approach to 12<sup>th</sup> Street. The City of Marina has determined that Project-related impacts at this intersection would be fully mitigated by the installation by the Project Applicant of the traffic signal and improvements to Abrams Drive within the Specific Plan area.

With signalization and channelization, this intersection would improve to LOS A during both peak hours. Implementation of this mitigation measure would reduce the impact to a level of **less than significant**.

**Impact: Unacceptable Levels of Service at "Main Street"/Imjin Road Intersection.** Operation of the intersection of "Main Street"/Imjin Road would be unacceptable under the Baseline Plus Project Conditions, if the intersection is constructed with single-lane approaches and stop control on the Main Street approach to Imjin Road. This is a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Signalize "Main Street"/Imjin Road Intersection and Add Separate Right-Turn and Left-Turn Lanes.** It is recommended that the proposed "Main Street"/Imjin Road intersection be signalized under Baseline Plus Project Conditions with a right-turn lane provided on the westbound (southbound) Imjin Road approach and a left turn lane on the eastbound (northbound) Imjin Road approach. Separate left and right turn lanes should be provided on the Main Street approach to Imjin Road. The City of Marina has determined that Project-related impacts at this intersection would be fully mitigated by the installation by the Project Applicant of the traffic signal.

With signalization and the channelization described above, the Imjin Road/Main Street intersection would operate at LOS D during the AM peak hour and LOS B during the PM peak hour under Baseline Plus Project Conditions, and the impact would be reduced to a level of **less than significant**.

**Impact: Unacceptable Levels of Service on Highway 1 Segments.** Traffic operations on Highway 1 south of 12<sup>th</sup> Street would be unacceptable in the southbound direction during the AM peak hour and in the northbound direction during the PM peak hour. This is a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Implement Regional Road Improvements to Reduce Traffic Volume on Highway 1.** Planned improvements in the region will provide additional overall network road capacity and provide alternatives to Highway 1 for

regional trips. The Project Applicant will pay FORA fees that will fund regional road improvements, including improvements to Highway 1. The City of Marina has determined that Project-related impacts on traffic volume on Highway 1 will be fully mitigated through payment of Project-related FORA traffic impact fees and implementation of regional transportation system improvements by FORA.

Implementation of planned road improvements, including improvements planned for Highway 1, will reduce the impact to a level of **less than significant**.

**Impact: Unacceptable Levels of Service at Del Monte Boulevard/Reservation Road Intersection.** Operation of the intersection of Del Monte Boulevard/Reservation Road would be unacceptable under the Cumulative With Project Conditions (2020), a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Add Lanes to Northbound Approach of the Del Monte Boulevard/Reservation Road Intersection.** Under Cumulative With Project Conditions, the northbound approach of the Del Monte Boulevard/Reservation Road should be improved to include two left-turn lanes, two through lanes and one right-turn lane. Under the terms of the Option Agreement, through the payment of the appropriate impact fees, the Project Applicant will have contributed the development's "fair share" toward the mitigation of cumulative traffic impacts in Marina. The City of Marina has determined that Project-related impacts on this intersection will, therefore, be fully mitigated through payment of Project-related traffic impact fees.

With the intersection configuration defined above, the intersection will operate at LOS C during the AM peak hour and LOS D during the PM peak hour with Specific Plan-related trips included in the Cumulative With Project Condition (2020) forecasts, and the impact would be reduced to a level of *less than significant*.

**Impact: Unacceptable Levels of Service at Imjin Road/"Main Street" Intersection.** The Imjin Road/"Main Street" intersection would operate at LOS F during the AM and PM peak hours if operated as a stop controlled intersection, a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Signalize Imjin Road/"Main Street" Intersection and Add Separate Right-Turn and Left-Turn Lanes (same as Mitigation Measure above).**

With signalization and the channelization described above, the Imjin Road/"Main Street" intersection would operate at LOS B during the AM peak hour and LOS A during the PM peak hour under Cumulative With Project Conditions (2020). The impact would be reduced to a level of **less than significant**.

**Impact: Unacceptable Levels of Service at California/Main Street Intersection.** This intersection would operate at LOS C during the AM peak hour and LOS F during the PM peak hour if the intersection were designed as a standard four-leg intersection with stop control on the Main Street approaches. This is a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Design and Construct the California/Main Street Intersection as a Roundabout.** While signalization of the intersection in conjunction with auxiliary lane channelization could achieve an acceptable level of service, it is recommended that this intersection be designed as a roundabout. The use of either a traffic signal or a roundabout would be at the discretion of the City of Marina. Intersection improvements at this intersection are included in the Marina CIP.

A roundabout design would operate at LOS A during the AM peak hour and LOS B during the PM peak hour under Cumulative With Project Conditions (2020). The impact would be reduced to a level of **less than significant**.

**Impact: Unacceptable Levels of Service at Imjin Road/Reservation Road.** Operation of the intersection of Reservation Road/Imjin Road would be unacceptable under the Cumulative With Project Conditions (2020), a **significant** environmental impact associated with implementation of the Specific Plan.

**Mitigation Measure: Provide Intersection Improvements and/or Construct Blanco Road Extension.** If Blanco Road were not extended, intersection improvements in addition to the improvements described for the Cumulative Without Project Conditions (2020) would be required. The additional improvement required with Specific Plan development is a third through lane on eastbound Reservation Road. If the Blanco Road extension is not constructed, the following lane geometrics are required to mitigate Cumulative With Project Conditions (2020):

- Northbound approach – one left turn lane, two through lanes and two right turn lanes (with right turn overlap signal control);
- Southbound approach – one left turn lane, two through lanes and one right turn lane;
- Eastbound approach – two left turn lanes, three through lanes and one right turn lane;
- Westbound approach – three left turn lanes, two through lanes and one right turn lane.

If the Blanco Road extension is constructed, the following intersection configuration is recommended for Cumulative With Project Conditions (2020):

- Northbound approach – one left turn lane, two through lanes and one right turn lane (with right turn overlap control);
- Southbound approach – one left turn lane, two through lanes and one right turn lane;
- Eastbound approach – two left turn lanes, two through lanes and one right turn lane;
- Westbound approach – two left turn lanes, two through lanes and one right turn lane.

Under the terms of the Option Agreement, through the payment of the appropriate impact fees, the Project Applicant will have contributed the development's "fair share" toward the mitigation of cumulative traffic impacts in Marina. The City of Marina has determined that Project-related impacts on this intersection will, therefore, be fully mitigated through payment of Project-related traffic impact fees.

With Blanco Road not extended and with the recommended intersection design, the intersection will operate at LOS B during the AM peak hour and LOS C during the PM peak hour. With the Blanco Road extension and the recommended intersection design, the intersection will operate at LOS C during both AM and PM peak hours under Cumulative With Project Conditions (2020). This would reduce the impact to a level of *less than significant*. Since this improvement is currently not scheduled for completion until after 2020, if it becomes apparent that the mitigation measure identified is needed before then, the City should request that FORA reschedule this improvement for earlier completion.

## 2. Description of significant effects related to air quality.

**Impact: Possible Exposure to Toxic Air Contaminants During Demolition.** Existing housing units within the Specific Plan area are known to contain potentially hazardous materials such as lead-based paint and asbestos. Demolition of existing structures in the Specific Plan area could result in exposure to Toxic Air Contaminants such as lead-based paint and asbestos. This impact is considered **potentially significant**.

**Mitigation Measure: Develop and Implement a Demolition Plan and Removal Action Workplan.** Lead and asbestos surveys should be reviewed/performed and a

Demolition Plan for safe demolition of existing structures at the Specific Plan area should be prepared. All transportation of hazardous or contaminated materials from the Specific Plan area should be performed in accordance with an approved Removal Action Workplan. The Demolition Plan should address both on-site worker protection and off-site resident protection from both chemical and physical hazards. All contaminated building materials should be tested for contaminant concentrations and should be disposed of at appropriate licensed landfill facilities. Prior to whole-scale demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials should be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan should include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days should be addressed in the Demolition Plan. Prior to obtaining a demolition permit from the Monterey Bay Unified Air Pollution Control District (MBUAPCD), an asbestos demolition survey should be conducted in accordance with the requirements of the MBUAPCD.

For the impact of flaking and peeling lead paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1.
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor,
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1,
- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the project. Workers that are terminated from the project should have their blood lead levels tested within 24 hours of termination,
- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1,
- Any amount of lead waste that is generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

Implementation of this mitigation measure would reduce the potential air quality impact associated with the release of Toxic Air Contaminants due to the transportation of demolition waste to a **less than significant level**.

**Impact: Possible Exposure to Toxic Air Contaminants During Transportation.** Existing housing units within the Specific Plan area are known to contain potentially hazardous materials such as lead-based paint and asbestos. Potentially contaminated debris associated with lead and asbestos would be transported from the Specific Plan area for disposal. The possibility of exposure to Toxic Air Contaminants due to the transportation of hazardous demolition debris would represent a potentially significant environmental impact.

**Mitigation Measure: Develop and Implement a Demolition Plan and Removal Action Workplan.** (see Mitigation Measure immediately above)

Implementation of this mitigation measure would reduce the potential air quality impact associated with possible exposure to Toxic Air Contaminants during demolition to a **less than significant level**.

**Impact: Exposure to Construction Dust and/or Diesel Exhaust.** Construction activities such as excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate fugitive particulate matter emissions that would affect local and regional air quality. The use of diesel-powered equipment could result in increased exposure of sensitive receptors in the vicinity to diesel exhaust. These impacts are considered potentially **significant**.

**Mitigation Measure A: Construction Dust Control.** All construction activities shall utilize the feasible control measures for construction emissions of PM<sub>10</sub> appropriate to the size and nature of the construction area, as recommended by the MBUPCD's *CEQA Guidelines*. The following dust control measures shall be implemented by construction contractors during all construction phases:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. This could be expected to reduce estimated PM<sub>10</sub> emissions from active, unpaved construction areas by approximately 50 percent.
- Limit, to the maximum extent feasible, all grading activities during periods of high wind (over 15 mph). This reduces the potential for exceedance of PM<sub>10</sub> standards. If grading activity must take place during periods when wind speeds exceed 15 mph, additional watering of affected areas beyond twice each day will be necessary to effectively reduce PM<sub>10</sub> emissions associated with wind-blown dust.

- Haul trucks off-site shall maintain at least 2'0" of freeboard. This could be expected to reduce estimated  $PM_{10}$  emissions associated with spills from haul trucks by approximately 90 percent.
- Cover all trucks hauling dirt, sand, or loose materials off-site, or provide other methods to prevent dust from spilling. This could be expected to reduce estimated  $PM_{10}$  emissions associated with spills from haul trucks by approximately 90 percent.
- Plant vegetative ground cover in disturbed areas as soon as reasonably possible. This could be expected to reduce estimated  $PM_{10}$  emissions associated with spills from inactive areas by between 5 and 99 percent.
- Cover intact storage piles left for more than 30 days, or unless otherwise determined by the City of Marina. This could be expected to reduce estimated  $PM_{10}$  emissions from storage piles by up to 90 percent.
- Install wheel washers on the entrance of construction sites for all exiting trucks. This could be expected to reduce estimated on-road  $PM_{10}$  by approximately 50 percent.
- Sweep streets if visible soil material is carried out from the construction site. This could be expected to reduce estimated on-road entrained  $PM_{10}$  by approximately 34 percent.
- Post a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints. The person shall respond to complaints within 48 hours. The phone number of the Monterey Bay Unified Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). This could minimize nuisance levels.

**Mitigation Measure B: Reductions in Diesel Exhaust During Site Preparation and Construction.** Prior to initiating construction activity, the City of Marina and the Project Applicant should consult with the Monterey Bay Unified Air Pollution Control District to identify the types of grading, demolition and construction equipment that will be used within the Specific Plan area. Once the characteristics of specific equipment to be used have been identified, the MBUAPCD should provide recommendations for measures that can be implemented to reduce diesel emissions associated with such equipment (i.e., the substitution of diesel-powered equipment

with non-diesel-powered equipment, the installation of exhaust control equipment, etc.).

Implementation of the above dust control measures would reduce construction-related air quality impacts associated with implementation of the Specific Plan to a **less than significant level**. For example, major reductions in construction-related PM<sub>10</sub> could be accomplished by watering (which could reduce remaining emissions by 50 percent), by effectively covering stockpiles and inactive areas (with reductions of up to 80 percent anticipated), and by covering haul trucks (which could reduce 90 percent of emissions from that source).

**Impact: Possible Exposure to Landfill Gas.** High concentrations of landfill gas have been found at the Operable Unit 2 Landfill Boundary on the opposite side of Imjin Road from the Specific Plan area that could build up and accidentally be released in high enough concentrations to affect residents at the Specific Plan area. Concentrations of potentially explosive methane gas have also been measured within the boundaries of the landfill and present a slight chance of explosion that could affect the proposed development within the Specific Plan area. Although implementation of the Specific Plan would not affect the generation of landfill gases, residential development of the Specific Plan area (that does not currently support residents) could place future residents at possible risk of exposure to these gases. This represents a potentially **significant** environmental impact.

**Mitigation Measure: On-Going Mitigation/Monitoring/Evacuation Planning.** Although on-going monitoring and mitigation associated with the former landfill is not the responsibility of the City of Marina or the Project Applicant, the following measures should continue to be pursued by the U.S. Army (responsible for landfill cleanup under the terms of the Federal Facilities Agreement for the former Fort Ord) to reduce risk associated with possible exposure to landfill gas:

- Maintain the current landfill gas extraction and treatment system.
- Continue to monitor landfill gas concentrations at the boundary of the OU2 Landfill.
- An evacuation plan must be prepared in the event of a fire or explosion at the landfill that is incorporated into the City of Marina's Standardized Emergency Management System Multi-Hazard Functional Plan.
- Ensure that the landfill boundary is fenced with locked gates.
- Ensure that all buried gas pipelines are permanently marked and that exposed pipelines and wells are fenced with locked gates.



Implementation of this mitigation measure would reduce the potential impact associated with possible exposure to landfill gas to a **less than significant level**.

**Impact: Increased Regional Emissions.** New traffic generated by the development of the Specific Plan area as proposed would increase regional emission by amounts greater than the MBUAPCD significance thresholds. This is considered a **significant unavoidable impact**.

3. Description of significant effects related to noise.

**Impact: Demolition, Grading and Construction Noise.** The noise emissions from demolition, grading and construction activities could exceed the background levels by more than 10 dB, thereby creating a significant noise impact that would change the nature of the noise environment substantially throughout this period. This represents a potentially significant, temporary environmental impact.

**Mitigation Measure A: Noise Measurements.** The Project Applicant should conduct periodic noise emission measurements for each truck periodically to ensure that the muffler systems are operating properly, and report the results of these measurement to the City of Marina Planning Department.

**Mitigation Measure B: Driver Education.** The Project Applicant should educate the drivers in the quietest possible operation of trucks, with particular care to acceleration and deceleration operations.

**Mitigation Measure C: Minimize Truck Movement with Light Loads.** The Project Applicant should ensure that the departure of dump trucks with light loads is minimized. Lightly loaded dump trucks are typically noisier than those that are heavily loaded due to a banging and clanging of unsprung loads.

Implementation of the above mitigation measures should reduce temporary noise impacts to a level of **less than significant**.

4. Description of significant effects related to biological resources.

**Impact: Removal of the Federally-Listed Endangered and State-Listed Threatened Sand Gilia.** Sand gilia was found in medium to low density within approximately 23 acres of the mixed maritime chaparral in the Specific Plan area. Implementation of the Specific Plan would result in the removal of all of the habitat for sand gilia on the site. This would represent a **significant** environmental impact. While the Habitat Management Plan (HMP) provides adequate mitigation for the species on the former Fort Ord, it does not provide authorization for incidental take under the California Endangered Species Act (CESA). This conflict with the state prohibition against take would be mitigated through execution of the

Habitat Conservation Plan (HCP) and Implementing Agreement (IA) by regulatory authorities including FORA and the City of Marina, but would remain significant in the absence of these documents or until the following mitigation measure is implemented.

**Mitigation 6.1: Consultation with CDFG/Permitting.** If the HCP and IA are not fully executed by all responsible agencies prior to initiation of construction, then the Project Applicant should obtain independent authorization for incidental take for sand gilia. The incidental take authorization will likely require mitigation for the loss of sand gilia through seed and seedbank salvage, and restoration or creation of habitat of an appropriate size and character at a suitable location on former Fort Ord.

Implementation of the mitigation measure identified above would reduce the impact associated with removal of sand gilia habitat to a level of **less than significant**.

**Impact: Removal of the Federally-Listed Threatened Monterey Spineflower.** Monterey spineflower is widespread throughout the Specific Plan area and during surveys conducted this year, was found in medium to high density within approximately 42 acres of the mixed maritime chaparral. Implementation of the Specific Plan would remove nearly all of the habitat for Monterey spineflower within the Specific Plan area. This would represent a **significant** environmental impact. However, the Habitat Management Plan (HMP) anticipates development of the Marina Heights Specific Plan area and mitigates the loss of Monterey spineflower through the set-aside and management of suitable habitat in other areas of former Fort Ord. Since implementation of the Specific Plan has no federal nexus, there is no conflict with the take prohibitions of the federal Endangered Species Act (ESA) and independent authorization from U.S. Fish and Wildlife Service (USFWS) is not required. The following mitigation measure is recommended to salvage seed and the seed bank in proposed development areas.

**Mitigation Measure: Seed Collection.** Prior to initiation of ground disturbing activities, the Project Applicant should collect seed from Monterey spineflower plants and salvage topsoil within the occupied areas to be disturbed. Seed should be collected during the appropriate time of year April – June, by qualified biologists. At this time, the qualified biologist should also prepare a map that identifies specific distribution of the spineflower for topsoil preservation. The collected seed should be used in to revegetate temporarily disturbed areas, where practicable. The remainder of the seed should be used for reseedling and restoration efforts on designated reserve lands in the vicinity.

**Impact: Removal of Potential Habitat for the Black Legless Lizard/Loss of Individual Black Legless Lizards.** Habitat for black legless lizards exists within the maritime chaparral habitat at the Specific Plan area. The black legless lizard is not federally- or state-listed, but it is designated as a Species of Special Concern by California Department

of Fish and Game (CDFG). Loss of potential habitat for the black legless lizard is anticipated, and mitigation is provided through the set-aside and management of habitat reserve areas within the boundaries of the former Fort Ord as described in the April 1997 Habitat Management Plan (HMP). However, it cannot be assumed that the impacts of the Specific Plan on the species are covered in the HMP until the Habitat Conservation Plan (HCP) and Implementing Agreement (IA) are finalized and signed. The amount of potential black legless lizard habitat that would be removed for implementation of the Specific Plan is moderate in comparison to the extent of available habitat in the vicinity. However, potential direct effects on individual lizards could occur during construction, and would be considered **significant**.

**Mitigation Measure: Construction Monitoring/Lizard Relocation.** A qualified biologist should be designated to monitor construction activities and salvage and relocate any black legless lizards that are encountered during this process. The monitor should walk alongside the grading equipment in each new area of disturbance, and should have the authority to halt construction temporarily if necessary to capture and relocate legless lizards. Any legless lizards captured in the grading zone should be relocated as soon as possible to adjacent suitable habitat outside of the area of effect.

Implementation of the mitigation measures identified above would reduce the impact associated with loss of black legless lizards and their habitat to a level of **less than significant**.

**Impact: Construction Effects on Active Nests of Birds-of-Prey and Other Migratory Birds.** Active nests of birds-of-prey and other migratory birds are protected under the Migratory Bird Treat Act and under Section 3503.5 of the Fish and Game Code. Construction activities within or adjacent to the oak woodland habitat could disturb active nests through direct removal (if trees are to be removed) or by causing abandonment by the adults. If nest removal or abandonment were to result from construction activities, it would constitute a **significant** environmental impact.

**Mitigation Measure: Pre-Construction Surveys/Avoidance of Active Nests.** If construction activities are initiated between August and December (outside of the typical nesting season for the birds-of-prey and migratory birds expected to occur in the vicinity), then pre-construction surveys for active nests should not be necessary. If activities are initiated before August or after December, then pre-construction surveys for active nests within a certain radius of proposed activities are recommended. The radius of the area to be surveyed should be determined by a qualified biologist considering the nature of the construction activity, the topography and the density of trees in the vicinity. The goal is to determine if any active nests would be affected by construction activities such that it would cause abandonment of the nest. Additionally, if any trees are to be removed and/or trimmed the canopy

should be surveyed for active nests prior to removal. If active nests are found and the biologist determines that construction activities would remove the nest or have the potential to cause abandonment, then those activities should be avoided until the young have fledged as determined through monitoring of the nest. Once the young have fledged, construction activities can resume in the vicinity.

Implementation of the mitigation measures identified above would reduce the impact associated with potential disturbance of active nests to a level of *less than significant*.

**Impact: Disturbance of Roosting Bats.** The seven special-status bat species that have the potential to inhabit the area could establish roosts in the abandoned buildings that could be disturbed during demolition. Potential impacts to these bat species were not addressed in the Habitat Management Plan (HMP), and would be regarded as a **significant** environmental impact.

**Mitigation Measure: Pre-Construction Surveys/Avoidance of Maternity Roosts.** Prior to building demolition, a qualified biologist shall survey the buildings for presence of bats. If special-status species are present, the following measures should be implemented:

- Demolition shall not occur when maternity roosts are present.
- No construction within 300 feet will be permitted until any young bats are fledged.
- The contractor shall obtain a Memorandum of Understanding (MOU) with the California Department of Fish and Game (CDFG) in order to remove listed bat species. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics shall be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFG that includes relocating all bats found on-site to an alternate suitable habitat.

Implementation of the mitigation measures identified above would reduce the impact associated with potential disturbance of bat maternity roosts to a level of **less than significant**.

5. Description of significant effects related to hazards and hazardous materials.

**Impact: Transportation of Hazardous Demolition Debris.** Existing housing units within the Specific Plan area are known to contain potentially hazardous materials such as lead-based paint and asbestos. During the demolition of structures and removal of potentially contaminated debris associated with lead and asbestos found during surveys, contaminated materials would be transported from the Specific Plan area for disposal. The possibility of exposure to hazardous demolition debris during transportation would represent a potentially significant environmental impact.

**Mitigation Measure: Develop and Implement a Demolition Plan and Removal Action Workplan.** Lead and asbestos surveys should be reviewed/performed and a Demolition Plan for safe demolition of existing structures at the Specific Plan area should be prepared. All transportation of hazardous or contaminated materials from the Specific Plan area should be performed in accordance with an approved Demolition Plan and Removal Action Workplan. The Demolition Plan should address both on-site worker protection and off-site resident protection from both chemical and physical hazards. All contaminated building materials should be tested for contaminant concentrations and should be disposed of at appropriate licensed landfill facilities. Prior to whole-scale demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials should be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan should include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days should be addressed in the Demolition Plan. Prior to obtaining a demolition permit from the Monterey Bay Unified Air Pollution Control District (MBUAPCD), an asbestos demolition survey should be conducted in accordance with the requirements of the MBUAPCD.

For the impact of flaking and peeling lead paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1.
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor,
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1,

- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the project. Workers that are terminated from the project should have their blood lead levels tested within 24 hours of termination,
- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1,
- Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

Implementation of this mitigation measure would reduce the potential impact associated with the transportation of demolition waste to a level of **less than significant**.

**Impact: Possible Exposure to Hazardous Materials During Demolition.** Demolition of existing structures in the Specific Plan area could result in exposure to hazardous materials such as lead-based paint and asbestos, which would represent a potentially **significant** environmental impact.

**Mitigation Measure: Develop and Implement a Demolition Plan and Removal Action Workplan.** (see Mitigation Measure immediately above.)

Implementation of this mitigation measure would reduce the potential impact associated with possible exposure to hazardous materials during demolition to a level of **less than significant**.

**Impact: Possible Exposure to Contaminated Groundwater.** Contaminated groundwater exists beneath the Specific Plan area. Eight extraction wells penetrate the contaminated aquifer and convey contaminated water through pipes underneath Abrams Road and 12<sup>th</sup> Street to a Groundwater Treatment Plant. The proposed development of the Specific Plan area would include mass grading in the immediate vicinity of wells and pipelines that routinely convey contaminated groundwater. This could increase the risk of accidental damage or destruction to wells and pipelines, and could result in exposure to contaminated groundwater. Residences are also proposed in the immediate vicinity of wells that penetrate the contaminated aquifer, which could increase the risk of tampering with the groundwater conveyance system and unauthorized penetration of the contaminated aquifer that could result in exposure to contaminated groundwater. The risk of exposure to contaminated groundwater within the Marina Heights Specific Plan area represents a potentially **significant** environmental impact.

**Mitigation Measure: Development and Enforcement of Groundwater Conveyance Access Restrictions and Setbacks.** Restrictions should include (but need not be limited to):

- Full compliance with existing deed restrictions providing for the Army's right to access for groundwater remediation system operation, maintenance, monitoring, and with Monterey County Code requirements which prohibit the installation of new unauthorized wells.
- Prior to construction, pipelines and monitoring wells conveying contaminated groundwater must be located and marked.
- During construction, a setback of 10 feet must be identified from all existing or relocated wells and pipelines, and no heavy equipment operations or grading should take place within the 10-foot setback except as may be required in connection with the relocation of existing pipelines and as coordinated with the U.S. Army.
- All wells and pipelines must be monitored during construction, and a report must be submitted at the end of each day documenting any violations.
- Following construction each well that is not located within a street must be completely enclosed within permanent low-level wire mesh fencing on all sides and the top. A locked gate should be the only access.
- Permanent markers should be placed that locate the buried groundwater treatment pipeline. The location of new utility trenches should be coordinated to minimize interference with existing or relocated buried pipelines.

Implementation of this mitigation measure would reduce the potential impact associated with possible exposure to contaminated groundwater to a level of less than significant.

**Impact: Possible Exposure to Landfill Gas.** The closed Operable Unit 2 landfill is located as near as 250 feet from the Specific Plan area, and the landfill gas treatment system is approximately one-quarter mile from the corner of the proposed school/park site adjacent to the Specific Plan area. High concentrations of landfill gas have been found at the landfill boundary on the opposite side of Imjin Road from the Specific Plan area, including concentrations of methane that are potentially explosive. While the concentrations have been reduced, the close proximity of the site to the recently closed landfill warrants precautionary mitigations. The covering of landfill gas vents and probes monitoring gas concentrations at the landfill perimeter are some of the mitigations already in place that

would warn residents of any dangerous releases, However, the continued risk of exposure represents a potentially **significant** environmental impact.

**Mitigation Measure: On-Going Mitigation/Monitoring/Evacuation Planning.** Although on-going monitoring and mitigation associated with the former landfill is not the responsibility of the City of Marina or the Project Applicant, the following measures should continue to be pursued by the U.S. Army (responsible for landfill cleanup under the terms of the Federal Facilities Agreement for the former Fort Ord) to reduce risk associated with possible exposure to landfill gas:

- Maintain the current landfill gas extraction and treatment system.
- Continue to monitor landfill gas concentrations at the boundary of the OU2 Landfill.
- An evacuation plan must be prepared in the event of a fire or explosion at the landfill that is incorporated into the City of Marina's Standardized Emergency Management System Multi-Hazard Functional Plan.
- Ensure that the landfill boundary is fenced with locked gates.
- Ensure that all buried gas pipelines are permanently marked and that exposed pipelines and wells are fenced with locked gates.

Implementation of this mitigation measure would reduce the potential impact associated with possible exposure to landfill gas to a level of **less than significant**.

**Impact: Potential Hazardous Emissions within One-Quarter Mile of Crumpton Elementary School.** The Monterey Peninsula Unified School District operates four schools within one mile of the Marina Heights Specific Plan area. The closest is Crumpton Elementary School, located 0.24 miles from the edge of the Specific Plan area at 460 Carmel Avenue. During the demolition of existing structures at the Specific Plan area, potentially hazardous materials (including asbestos and lead) will be removed from the site and could be released to the atmosphere if not handled properly or in the event of an accidental spill during transportation, affecting Crumpton Elementary School. This would represent a potentially **significant** environmental impact.

**Mitigation Measure: Develop and Implement a Demolition Plan and Removal Action Workplan.** (see Mitigation Measure regarding Demolition Plan and Removal Action Workplan, above) These plans should address approved routes, truck cleaning and inspection, and contingencies for addressing spills and accidents.



Implementation of this mitigation measure would reduce the impact of hazardous material handling within one-quarter mile of an existing school site to a level of less than significant.

**Impact: Development within a Hazardous Materials Site.** The entire area of the former Fort Ord has been designated is an EPA Superfund Site (CA7210020676, California Region IX). The 2002 *Draft Final Five-Year Review Report for Fort Ord Superfund Site, Monterey, California*, documents the current clean-up status of sites across the base. The superfund site most prominently affecting the Specific Plan area is Operable Unit 2. Remediation of the groundwater plumes associated with Operable Unit 2 and nearby Sites 2 and 12 was initially estimated to take as long as 30 years. Given that treatment of the Operable Unit 2 groundwater plume commenced in 1995, remediation could last until 2025. The phasing of anticipated development within the Specific Plan area, therefore, overlaps the schedule for the on-going site remediation that affects the Specific Plan area. Human health risk has been assessed to be minimal in numerous reports, and the Monterey County Environmental Health Department has given a clean bill of health to parcels proposed for development, but only with numerous restrictions that are included in the deed of the transferred property. These restrictions are contingent upon the lifetime of expected treatment and remediation efforts. Any failure to comply with established restrictions, or failure to meet treatment and remediation objectives that could adversely affect future development in the Marina Heights Specific Plan area would represent a potentially significant environmental impact.

**Mitigation Measure: Compliance with Deed Restrictions.** The development of mitigations shall be in accordance with deed restrictions. Individual property owners shall be notified of restrictions and the land use history of the site. Limitations on deed restrictions as a result of the success of treatment and remediation shall be reviewed periodically by the U.S. Army. Treatment and remediation reports shall continue to be accessible to the public.

Implementation of this mitigation measure would reduce the impact associated with development in an identified hazardous materials site to a level of less than significant.

6. Description of significant effects related to recreation.

**Impact: Increased Demand on Existing Parks, Open Space and Other Recreational Facilities.** The arrival of new residents to the City as a result of the development of the Marina Heights Specific Plan area would lead to an increased demand for parks, open space and other recreational facilities, which could lead to the accelerated deterioration of existing parks and recreational facilities. This represents a potentially significant impact.

**Mitigation Measure: Payment of In-Lieu Fees and/or Compliance with General Plan Requirements.** As proposed in the Specific Plan and the Option

Agreement, the Project Applicant is obligated to pay \$2,224 per unit in park development fees for the improvement of parks and recreational facilities to the City of Marina. Additionally, the Project Applicant has voluntarily agreed to provide funding of up to \$1.5 million for the improvement of the adjacent park proposed at the former Fort Ord landfill site, and is providing sufficient sub-neighborhood parks and recreation trails within the Specific Plan area (in accordance with General Plan Section 2.16.3).

Implementation of the mitigation measure identified above would reduce impacts associated with Specific Plan-related demand for parks, recreational facilities and open space to a level of **less than significant**.

**Impact: Environmental Effects Associated with the Development of New Parks, Trails and Bike Paths.** Implementation of the Specific Plan would involve the development of new parks, trails and bike paths in an area where they do not currently exist. Construction of these recreational facilities would entail environmental effects similar to those associated with the construction of residential structures within the Marina Heights Specific Plan area (i.e., construction dust, noise, etc.). These impacts are discussed within other Chapters of this EIR as appropriate. This represents a temporary potentially **significant** impact.

**Mitigation Measure:** Reduction of Construction-Related Dust and Noise. The effective implementation of Mitigation Measure 4.3.1, Mitigation Measure 4.3.2 and Mitigation Measure 5.1.1, Mitigation Measure 5.1.2 and Mitigation Measure 5.1.3, above, would reduce temporary adverse construction-related environmental effects associated with the development of parks, trails and bike paths within the Specific Plan area.

Implementation of the mitigation measure identified above would reduce impacts associated with Specific Plan-related construction of parks, trails and bike paths to a level of **less than significant**.

7. Description of significant effects related to public services and utilities.

**Impact: Increased Demand on Public Safety Department.** Average response times to the Abrams Park and Preston Park areas were eight minutes (prior to the opening of the California Avenue extension), twice as long as the Department's response time goal. Development proposed under the Specific Plan would spread Public Safety Department resources even thinner, potentially lengthening already long response times in the absence of a substation in the vicinity. This would be a potentially significant impact associated with implementation of the Specific Plan, until the airport station is operational, as anticipated under the current CIP.

**Mitigation Measure:** Payment of Impact Fees. The Project Applicant is obligated to pay the impact fees set out on Schedule E to the Option Agreement.

The above mitigation measure would reduce the Specific Plan's impact to a level of less than significant.

**Impact: Increased Student Demand on School District.** Development under the Specific Plan would bring about 735 new school students to the District. According to Jim Burnis, the District's Chief Business Officer, the Marina Heights development on its own would probably not have a significant impact on the school district. However, in addition to Marina Heights, there are currently an estimated 3,000 to 4,000 housing units planned or under construction within areas under District's jurisdiction. The proposed development of the Marina Heights Specific Plan area, together with these other housing developments, could have a potentially significant cumulative impact on the District's ability to accommodate new students, and could require the construction of additional school facilities.

**Mitigation Measure:** Payment of School Impact Fees. The Project Applicant should pay all current applicable school impact fees.

The above mitigation measure would reduce the impacts associated with the development-related increase in the number of students coming from the Specific Plan area to a level of less than significant.

#### V: STATEMENT OF OVERRIDING CONSIDERATIONS.

After very extensive review of the entire administrative record, including the Draft and Final EIR, the staff reports, and the oral and written testimony, and the evidence provided, it is concluded that specific economic, social, technological, and employment opportunities justify the approval of the project, in spite of the existence of significant environmental effects which cannot be fully mitigated and in spite of other alternatives which might be environmentally superior.

The specific overriding considerations include the following:

1. The Marina Heights site is currently characterized by decay and deteriorated physical conditions typical of many "blighted" project areas. The Marina Heights project offers the unique development opportunity to eliminate blighted physical conditions and to attract new investment to the City.
2. The project implements the replanning, redesign and development of underutilized and underdeveloped areas which are not used consistently with the existing General Plan for the area.

3. The project will greatly increase property tax revenues to the City and other taxing bodies. The private investment in the Marina Heights project will result in a sizeable increase in revenue to the City. The City will receive permit fees and sales tax fees related to construction.
4. Development of the Project Site in the best interests of FORA, the City, the Agency and the health, safety and welfare of the residents and taxpayers of the City, is consistent with the goals and objectives of the Redevelopment Plan (as hereinafter defined) and is in accord with the public purposes and provisions of applicable state and local laws.
5. Development of the Project Site will provide employment and substantially improve the economic and physical conditions of the Project Site and the City in accordance with the purposes and goals of the FORA Base Reuse Plan and the Redevelopment Plan.
6. FORA, the City and the Agency have determined that the Development of the Marina Heights Project pursuant to this Agreement is consistent with the provisions of the FORA Base Reuse Plan, and the Marina Redevelopment Plan.

#### VI. CUSTODIANSHIP OF THE PUBLIC RECORD

The custodian of documents and other materials which constitute the record of proceedings, upon which this decision is based is the following:

Planning Director  
City of Marina Planning Department  
City Hall  
211 Hillcrest Avenue  
Marina, California. 93933

Copies of these documents are available for public review during normal business hours.